FILED

JUL 26 2006

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

HARNEK SINGH,	No. 04-75742
Petitioner,	Agency No. A79-286-660
v.	
ALBERTO R. GONZALES, Attorney General,	MEMORANDUM[*]
Respondent.	

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006[**]

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Harnek Singh, a native and citizen of India, petitions for review of the

Board of Immigration Appeals' ("BIA") summary affirmance of an Immigration

Judge's ("IJ") denial of his application for asylum, withholding of removal, and

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[*]   This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

[**]   The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

relief under the Convention Against Torture ("CAT"). We have jurisdiction under

8 U.S.C. § 1252.   We review adverse credibility findings for substantial evidence,

Chebchoub v. INS, 257 F.3d 1038, 1042 (9th Cir. 2001), and we deny the petition.

Substantial evidence supports the IJ's adverse credibility finding based on

inconsistencies between petitioner's testimony and documentary evidence that he

submitted, a finding that petitioner's testimony that was vague and lacking in

detail, and petitioner's nonresponsiveness to questions during his hearing. *See id.*

at 1043-45; *see also Singh-Kaur v. INS,* 183 F.3d 1147, 1153 (9th Cir. 1999).

Because petitioner failed to demonstrate that he is eligible for asylum, it

follows that he did not satisfy the more stringent standard for withholding of

removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

Because petitioner's CAT claim is based on the same testimony that was

found not credible, and he points to no other evidence to support this claim, his

CAT claim also fails. *See id.* at 1157.

PETITION FOR REVIEW DENIED.